

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

ADOPTED SEP 26 '62

In the Matter of Application 19864 )  
of Marshall H. Alsip to Appropriate )  
from an Unnamed Spring Tributary to ) Decision D 1096  
Santa Clara River in Los Angeles County )

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DECISION DENYING APPLICATION

Marshall H. Alsip having filed Application 19864 for a permit to appropriate unappropriated water; protests having been received; the applicant and protestants having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Rights Board pursuant to said stipulation; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 19864 is for a permit to appropriate 0.5 cubic foot per second (cfs) by direct diversion year-round for irrigation, recreational, and fish culture purposes from an unnamed spring tributary to Santa Clara River in Los Angeles County. The point of diversion is to be located within the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 11, T4N, R14W, SBB&M.

2. The applicant proposes to divert from an excavated sump, described in the application as a spring, which is approximately 4 feet in depth and located in the flood plain of

the Santa Clara River at a point approximately 150 feet from a reservoir owned by the protestants Guy K. Welch and Charles Lastufka. The sump's source of water is either underflow of the river or seepage from the protestants' reservoir. Water is to be pumped from this sump to fill small off-stream reservoirs and irrigate approximately 20 acres in the flood plain area.

3. The protestants own approximately 12 acres of land bordering the river and maintain water levels in their reservoir necessary for the use of their property as a commercial recreation center under claim of riparian right.

4. There are not sufficient surface and underflows in the Santa Clara River during the summer irrigation and recreation season to replace seepage and evaporation losses from the protestants' reservoir. During the month of July 1961, the protestants pumped water into their reservoir at a rate of 20 gallons per minute from a well 64 feet in depth located on the south bank of the river, and this additional supply was inadequate to offset the reservoir losses.

5. The soil in the area wherein the sump and the applicant's reservoir are located consists principally of loose decomposed granite which is highly permeable. On April 16, 1962, the protestants' dam was breached and the sump was dry.

6. There is a direct hydraulic connection between the protestants' reservoir and the sump proposed to be used as a point of diversion by the applicant, and any diversion by the applicant during most years in the low flow summer season would cause a reduction in the levels of the protestants' reservoir.

7. The sites of the applicant's proposed reservoirs lie within the flood plain of the river and may be inundated during the winter season. A permit restricting diversions to the winter months would be of little or no value to the applicant for this reason and due to the nature of his proposed uses.

8. Unappropriated water does not occur at sufficient times and in sufficient amounts to justify approval of Application 19864.

From the foregoing findings, the Board concludes that Application 19864 should be denied.

The records, documents, and other data relied upon in determining the matter are: Application 19864 and all relevant information on file therewith, particularly the report of the field investigations made August 2, 1961, and October 18, 1961, United States Department of Commerce, Climatological Data, California; United States Geological Survey "San Fernando" and "Agua Dulce" quadrangles, 15 and 7½-minute series dated 1940 and 1961, respectively.

IT IS HEREBY ORDERED that Application 19864 be, and the same is, denied.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, on the \_\_\_\_\_ day of \_\_\_\_\_, 1962.

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Kent Silverthorne, Chairman

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Ralph J. McGill, Member

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W. A. Alexander, Member